EXHIBIT F

1   IN THE UNITED STATES DISTRICT COURT
     WESTERN DISTRICT OF MICHIGAN
2   SOUTHERN DIVISION

3   **CERTIFIED COPY**

4   JOEL GOLDMAN,   )
)
5   Plaintiff,   )
     vs.   )   CASE NO.
6   )   1:05 CV 0035
     HEALTHCARE MANAGEMENT SYSTEMS, INC.)
7   and THOMAS E. GIVENS,   )
)
8   Defendants.   )
)
9   _____)

10   THE DEPOSITION OF

11   MARK McCAGHREN

12   Taken on Behalf of the Plaintiff

13   April 21, 2006

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25   FILE NO.: A002EAA

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1   sending it to a third party other than this lawsuit?

2   A.   No, sir, not that I can remember.

3   Q.   How long did it take you to remove the

4   commented code in the medical records library?

5   A.   Two, maybe three days.

6   Q.   Do you recall seeing the name Joel Goldman in

7   any of the comments that you removed?

8   A.   No, sir.

9   Q.   Do you recall seeing any copyright notice,

10   other than the copyright notice of HMS?

11   A.   No, sir.

12   Q.   If a code that you removed was -- was it in

13   upper case or lower case; do you recall?

14   A.   Could be both. Let me say this: The code that

15   I deleted would have been legitimate RPG code. If

16   there was a comment telling how a certain part of this

17   code worked, I left it. I only removed legitimate RPG

18   commented-out code.

19   Q.   So say there were 20 lines of code, are you

20   saying you actually removed lines of code that some

21   instruction rendered, like, ignore the following 20

22   lines, however that is done in an RPG, like skipped

23   line, an extra line, are you saying you removed that

24   code that was no longer used?

25   A.   If it was commented out.

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 1    code, implementing that comment with that code, having

 2    an asterisk in the seventh position?

 3    A.      That particular comment?

 4    Q.      No, sir.  Any comment that related to code that

 5    was -- had an asterisk in the seventh position.  Do you

 6    understand the question?

 7    A.      Basically -- I understand you're asking if

 8    there was a legitimate comment that said this is what

 9    the following does.

10    Q.      (Nods head).

11    A.      And the following was commented out.

12    Q.      (Nods head).

13    A.      I commented out the following, I left the

14    comment.

15    Q.      Okay.

16    A.      I may have missed one, I'm not perfect, but

17    when I started that basically I said I got to keep the

18    comments in case they had nothing to do with what I was

19    about to delete out.

20    Q.      And my question is, do you recall instances

21    where you kept what you've termed a legitimate comment,

22    and then deleted commented-out source code?

23    A.      Yes.

24    Q.      Did that happen frequently?

25    A.      In the abstracting programs?
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1   Q.   In the HIM medical library programs.

2   A.   I'm going to need to know what frequently

3   means.

4   Q.   Okay. I'd rather you ask that question.

5   Did it happen more than once in -- did it

6   happen more than 10 times in the entire library of

7   medical records program?

8   A.   Yes.

9   Q.   Did it happen more than a hundred times in the

10   entire library?

11   A.   Oh, yes.

12   Q.   Did it happen -- for the exhibit in front of

13   you, MRE480, which is a relatively long program, did it

14   happen more than 50 times in this exhibit?

15   A.   I don't know about this one. In general, the

16   more comments you have at the top of this program being

17   changed, the chances are the more lines of

18   commented-out code you would have had inside the

19   program.

20   Q.   This program appears to have more than usual, a

21   longer than usual revision log, to me, based on the

22   programs that I've reviewed. I'm not testifying here,

23   but that's my impression. And I'm not holding you to

24   this, but I just need an idea of how often this would

25   have happened. And my question was, do you think in

1 regular basis, purging commented-out code?

2 A.   About four years ago we began purging out, in

3 all applications, commented-out code that was older

4 than two years. But as in the last few years, we have

5 been directed to purge out all of it, if possible, to

6 make the programs look and read clear.

7 Q.   Did it appear that the programs in the medical

8 records library had been purged previously?

9 A.   No.

10 Q.   Was it your understanding that PIF 55642, the

11 work order that you received, was something that was

12 done in the ordinary course of business, or was it more

13 of a special project?

14 A.   More along the ordinary course of business.

15 Q.   A few more questions, then we'll get you out of

16 here.

17   You have testified that you work mainly in the

18 patient accounting suite of the programs at HMS, which

19 includes the medical records, otherwise called HIM,

20 bundle of applications. All of the applications at HMS

21 require maintenance and updates; correct?

22 A.   Yes.

23 Q.   Is it true that newer programs require more

24 maintenance as a general rule than older programs?

25 A.   No.